

City of Fort Lauderdale Planning and Zoning Board**STAFF REPORT**

Case 48-R-03

August 18, 2004

Applicant	Carl G. Santangelo, Higher Learning Center Day Care	
Request	Conditional Use / Site Plan Approval / Parking Reduction	
Location	3400 Davie Blvd.	
Legal Description	All that part of Tract "A," Pearl Estates, P.B. 40 P. 42	
Property Size	24,130 sq. ft. or 0.55 acres	
Zoning	CB (Community Business)	
Existing Land Use	Commercial	
Future Land Use Designation	Commercial	
Comprehensive Plan Consistency	Consistent	
Other Required Approvals	None	
Applicable ULDR Sections	47-6 Business Zoning Districts 47-18.8 Child Day Care Facilities 47-20 Parking and Loading Zone Requirements 47-25.2 Adequacy Requirements 47-25.3 Neighborhood Compatibility Requirements	
Setbacks/Yards	Required	Proposed
Front (e)	5' Minimum	52.24'
Side (w)	None	9.98'
Front (n)	5' Minimum	53.01'
Side (s)	None	59.03'
Lot Density	N/A	N/A
Lot Size	None	24,130 S.F./0.55AC
Lot Width	None	N/A
Building Height	150' Maximum	15' 4"
Structure Length	N/A	83.99'
Floor Area	None	5,040 S.F.
VUA Landscaping	20%	26.71%
Landscaping Lot Coverage	N/A	N/A
Open Space	N/A	N/A
Parking	16	12
Notification Requirements	Sign Notice	
Action Required	Approve, Approve with Conditions, or Deny	
Project Planner	Name and Title	Initials
	Ella Parker, Planner I	
Authorized By	Chris Barton, AICP, RLA, Principal Planner	
Approved By	Bruce Chatterton, AICP, Planning and Zoning Services Manager	

Request:

The applicant is seeking a conditional use approval with site plan review and a parking reduction, pursuant to ULDR Sects. 47-20.3, Parking Reductions, 47-24.3, Conditional Use, and 47-25.3, Neighborhood Compatibility.

Property/Project Description:

The existing use of the property is a one-story (15,' 4") warehouse building located at the southwest corner of Davie Blvd. and SW 34th Ave. in the Community Business (CB) zoning district. The applicant intends to renovate the building into a Children's Day Care Center. The site is not contiguous to any residential properties, however there are residential properties across the street to the east of the applicant's property as well as across a neighboring parking lot to the south.

Conditional Use:

The Zoning Administrator, has interpreted that Child Day Care facilities are permitted as conditional uses in the CB District. As such, a Child Day Care may be permitted as a conditional use as per ULDR Sec. 47-24.3. Conditional use approvals are subject to City Commission Request for Review within 30 days.

Child Day Care facilities are subject to criteria set forth in ULDR Sec. 47-18.8, *Child Day Care Facilities*. The applicant has submitted the following narrative in response to Sec. 47-18.8 as well as the hours and details of operation for the proposed use:

Sec. 47-18.8 Child Day Care Facilities

A. It is intended that this section provided standards for the protection of the health, safety, and welfare of the citizens of the city as it relates to the location and operation of child day are facilities. The specific use of a child day care facility is to provide less that twenty-four (24) hours custodial care to minor children away from the child's permanent residence.

B. Applicability.

The provisions of this section shall apply to all child day care facilities.

C. Child day care facilities shall not include ...

The proposed facility will not include any of the functions prohibited under this item.

D. Definitions.

Not applicable.

E. Category of uses.

Intermediate child care facility. A child care facility in a structure that has a maximum licensed capacity of fifty (50) children.

Proposes 50 Max.

F. Permitted and conditional uses.

A child day care facility located in a CB zoning district is permitted as a conditional use.

G. Except for family home day care facilities, child day care facilities shall be considered and subject to the limitations applicable to nonresidential uses.

H. Indoor space requirements.

A minimum of twenty-five (25) square feet of usable floor space per child is provided. The total usable floor space for a facility was calculated by multiplying the minimum square footage requirements by the licensed capacity of the facility. Indoor space includes, the indoor areas available for play, classroom, work and nap space. Proposes 5040 sf of floor area with 2525 sf of usable floor space ie class,, work, play and nap rooms.

I. Outdoor space requirements.

Fifty (50) square feet of usable ground level outdoor space per child with a minimum of one thousand five hundred (1,500) square feet of which three hundred (300) square feet of landscaping -is provided. Proposes 3000 sf of outdoor space; 2500sf is required for 50 children.

J. Dispersal requirements.

The proposed day care facility is located in a nonresidential district and is one thousand five hundred (1,500) feet from any existing child day care facility or any social service residential facility (SSRF), as defined in Sec. 47-18.32, excluding level 1 SSRF located in a residential district.

K. Hours of operation.

*Hours of operations shall be limited to 6:00a.m. to 8:00 p.m.
Proposed hours of operation are 6:00a.m. to 7:00 p.m.*

L. Buffer requirements.

The ground level outdoor play area of the proposed child day care facility is within fifty (50) of adjacent properties therefore a (6) feet wood fence is proposed to be located along the property lines around the outdoor space. The fence will be opaque with no open areas viewed from any and installed in accordance with the standards provided in Sec. 47-19.5. A 6' high aluminum decorative fence is proposed along the perimeter of the play area.

M. Parking and loading requirements.

Conforms to Section 47-20. See parking and loading requirements narrative.

For a child day care facility: Standard Requirements

<i>Parking Spaces</i>	<i>Loading</i>
<i>1/325 SF</i>	<i>N/A</i>

16 required and 12 provided, see site plan.

A parking reduction of 4 spaces (25%) is requested. A cross-access agreement is needed with existing lot to the south and west of the applicant's property.

N. Application requirements.

1. A traffic and parking plan showing the location and number of parking spaces; location of loading and unloading area; traffic circulation on and off of the parcel and relationship of potential traffic to and from the child day care facility with existing traffic on adjacent streets and roadways.

Access to the site is proposed from SW 34 Avenue with a drop-off and parking on the east side of the building circling north one way with an exit onto Davie Boulevard.

2. Will provide documentation evidencing compliance with all requirements of the state and any agency authorized to regulate child day care facilities.

Narrative of Operations:

Number of Children: 50 Max

Number of Teachers: 7 Min.

Full Daycare Ages: 12 mo. To 5 yrs

Aftercare Ages: 5 to 11 yrs

Hours of Operation: 6 AM to 7 PM - Monday thru Friday

Drop-off to Pick-up: 7 AM to 6 PM - Monday thru Friday

Staff concurs with the applicant's assessments.

ULDR Sec. 47-25.2, Adequacy Requirements and Sec. 47-25.3, Neighborhood Compatibility Requirements:

The proposed project is also subject to ULDR Section 47-25. The *applicant has provided* the following narratives:

Sec. 47-25.2 Adequacy Requirements

A. Applicability.

The adequacy requirements set forth herein will be used by the city to evaluate the demand created on public services and facilities created by the proposed development permit.

B. Communications.

The building will not interfere with the city's communication network.

C. Drainage.

Adequate storm water management facilities have been evaluated based on the adopted level of service requiring the retention of the first inch of runoff from the entire site or two and one-half (2.50) inches of runoff from the impervious surface which is greater.

D. Environmentally sensitive.

The site does not include any environmentally sensitive lands or well fields.

E. Fire protection.

Fire protection services will be adequate to protect people and property in the proposed development. Adequate water supply, fire hydrants, fire apparatus and facilities will be provided in accordance with the South Florida Building Code, South Florida Fire Code and other acceptable applicable fire and safety standards.

F. Parks and open space.

Not Applicable.

G. Police protection.

The development will provide improvements which are consistent with Crime Prevention Through Environmental Design (CPTED) to minimize the risk of public safety and assure adequate police protection. The gates will remain locked when the facility is not in use. The fence/wall allows visual access to the property.

H. Potable water.

Adequate potable water facilities will be provided the City of Fort Lauderdale.

I. Sanitary sewer.

Adequate sewer facilities will be provided the City of Fort Lauderdale.

J. Schools.

Not Applicable.

K. Solid waste.

An adequate solid waste facility will be provided the City of Fort Lauderdale.

L. Storm water.

Adequate storm water facilities will be provided.

M. Transportation facilities.

1. Capacity.

Not determined.

2. Regional transportation network.

Not applicable.

3. Local streets.

SW 34th Avenue

4. Traffic impact studies:

Not required.

5. Dedication of rights-of-way:

Not required.

6. Pedestrian facilities:

Provided as required.

7. Primary arterial street frontage:

Davie Boulevard

8. Other Roadway Improvements:

No Roadway Improvements provided only onsite improvements

9. Street Trees:

Street trees provided see landscape plan.

N. Wastewater.

Adequate wastewater services will be provided for the proposed development. The proposed development has been designed to provide adequate areas needed for the installation and maintenance of a wastewater and disposal system in accordance with applicable health, environmental and engineering regulations and standards.

O. Trash management requirements.

Not Applicable.

P. Historic and archaeological resources.

Not Applicable.

Q. Hurricane evacuation.

Not Applicable.

Staff concurs with the applicant's assessment.

Sec. 47-25.3 Neighborhood Compatibility Requirements

1. Adequacy requirements.

See narrative above

2. Smoke, odor, emissions of particulate matter and noise.

No emission of smoke, odor or particulate matter will be made from the proposed development. Noise will be maintained at an acceptable level compatible with the community.

3. Design and performance standards

a. Lighting

The lighting met code requirements and CPTED criteria.

b. Control of Appearance

The overall façade of the structure blends well with architectural styling of the surrounding area by complementing the 1970's era architecture, which dominates the neighborhood. Using a combination of natural finishes, color and fenestration the building is designed to have a finished appearance on all sides. The flat cement tile gable end roof also blends well as the type of roof typical to that era. Each elevation of the building offers projections and/or recessions. The roof line is broken by the plate height over the fellowship hall area. There will be no rooftop equipment since this a residential style pitched roof. Equipment will be at grade and screened via landscaping.

The overall height of the structure is varied by the plate height difference and the addition of the steeple structure which take away the "box" feeling while clearly identifying the structure. To add continuity to the façade a cornice has been added at the window/door head height towards the rear elevation of the structure. The façade of the building is treated with a cultured stone "foundation wall" and recessed areas treated totally with cultured stone. Window and door surrounds are added to complement and provide a natural break for the cultured stone. In addition the area above the window/door head height has been varied in color to add additional interest.

c. Setback regulations

The proposed nonresidential use is not contiguous to any residential property. The building is 53' from the North property line, 52' from the East property line, 58' from the South property line and 10' from the West property line.

d. Buffer yard requirements - *Proposed property is not adjacent to residential property.*

- i. Landscape strip requirements - *A minimum of 5' of landscape buffer is provided around the entire site.*
- ii. Parking restrictions - *No parking is located within five (5) feet of the property line.*
Dumpster requirements – *the dumpster is screened in accordance with the Dumpster requirements and set back more than twelve (12) feet from any property line.*

c. Neighborhood compatibility and preservation

The scale and design of the structure is overall compatible with its neighborhood surroundings. Visually the structure will feel as if it belongs to the area and enhance the overall neighborhood esthetics.

The Board is to determine if the proposal meets the Neighborhood Compatibility criteria.

Parking Reduction:

Sixteen (16) parking spaces are required for the current use according to the submitted site plan. The applicant is providing twelve (12) parking spaces (including one handicap space) and is therefore seeking a twenty-five percent (25%) parking reduction. The applicant provided a traffic study dated April 9, 2004 by Richard Garcia Associates, Inc. In response to the City's request, Kittelson & Associates, Inc. has reviewed the study and determined that the twelve (12) spaces provided, will be sufficient based on the high turnover in drop off / pick up at the school, the site driveway layout, and additional potential spillback capacity provided on SW 34th Ave. (**Exhibit 1**). The City's DRC Engineering representative concurs with the Parking Study prepared by Richard Garcia Associates, Inc.

The parking reduction request is based on criteria in ULDR Sec. 47-20.3. The *applicant's response* is detailed in their submitted narratives as follows:

Sec. 47-20.3 Reductions and exemptions

A. General parking reduction.

A parking reduction was requested because the proposed use per code required more parking than was the site was physically able to provide.

2. Restrictions.

The project is not a residential use.

3. Application.

An application to approve a parking reduction was submitted to the department along with plans and a parking reduction study. The parking study documents and supports the criteria submitted for a parking reduction. The parking study was certified by a state licensed engineer and documents the existence of certain facts related to the projected use of the parking facility and its relationship to surrounding rights-of-way and properties. The methodology for conducting the study was submitted for review and approval by the city engineer and included, but was not limited to the week and day the study was conducted, the number of days and duration of the study, and the time intervals and locations for data collection. The application was forwarded for review, by an independent licensed professional engineer contracted by the city, to determine whether the parking study supported the basis for the parking reduction request.

4. Review process.

The application has been reviewed in accordance with the review process applicable to a site plan level III, as provided in Sec. 47-24.2.

5. Criteria.

We showed that the request meets the following criteria and the reviewing body considered the application for parking reduction based on the:

- a. Adequacy requirements, as provided in Sec. 47-25.2; and
- b. The use, site, structure or any combination of same, evidences characteristics which support a determination that the need for parking for the development is less than that required by the ULDR for similar uses; or
- c. There is a public parking facility within seven hundred (700) feet of the parcel which the parking is intended to serve along a safe pedestrian path as defined by Sec. 47-20.4, which spaces may be used to provide parking for applicant's property without conflict with the need for public parking based on a report by the department which includes a report by the city's parking manager and city engineer. This criteria shall not be available for a parking reduction in the central beach district; or

- d. If the application is based on two (2) or more different users sharing the same parking spaces at different hours, that the peak hour(s) for each use will be at different hours; or
- e. If the application is based on two (2) or more different users sharing the same parking spaces at the same time because one use derives a portion of its customers as walk-in traffic from the other use, that the two (2) or more uses will share the same users; or
- f. Restrictions will be placed on the use of the property or actions will be taken such as providing company vans for car pooling of employees and patrons, or consistent use of mass transit will reduce the need for required parking and there are sufficient safeguards to ensure the restriction, action, or both, will take place; or
- g. Any combination of subsections A.5.a through e; and
- h. In addition to the criteria provided above, that any alternative parking arrangement proposed will be adequate to meet the needs of the use the parking will serve and that reducing the required parking will be compatible with and not adversely impact the character and integrity of surrounding properties.

6. *No conditions were required as a result of the review.*

7. Effective date of approval.

A thirty (30) day period following the City Commission approval.

A copy of the recorded Parking Reduction Order is to be provided to the City prior to the issuing of Final DRC approval.

8. Parking reduction order.

If an application for parking reduction is approved, such approval shall be evidenced in an order executed by the department and a consent to order executed by the applicant. The order shall state the number of parking spaces required to be provided, a legal description of the property where the parking is to be provided and the property served by the parking area and the conditions upon which the parking reduction is approved. The parking reduction order shall only take effect upon the recordation of the order in the public records of Broward County at the expense of the applicant and filed with the department by applicant.

9. The parking reduction order shall act as a restrictive covenant running with the land and be binding on any successors in interest or assigns of the property owner.

10. If there is a failure of any condition contained in the parking reduction order, the owner of the property or agent will apply for an amended parking reduction order.

11. *The parking reduction application does not include the use of an off-site parcel owned by another.*

12. A parking reduction order may be terminated by application of the owner of the property affected by the order to the department if it is shown that parking has been provided which meets the requirements of Sec. 47-20.2 and the use no longer needs a parking reduction. A termination of the parking reduction order shall be executed by the department and recorded in the public records of the county at the applicant's expense. A copy of the recorded order shall be filed with the department by the applicant.

13. Appeal.

Not applicable.

Planning and Zoning Board Review Options:

If the Planning and Zoning Board determines that the proposed request meets the standards and requirements of the ULDR for parking reductions and site plan level III review, the Board shall approve or approve with conditions necessary to ensure compliance.

If the Planning and Zoning Board determines that the proposed request does not meet the standards and requirements of the ULDR for conditional use, parking reductions, and site plan level III, the Board shall deny the request.

Should the Board approve the proposed development and associated Parking Reduction request, the following conditions are proposed by staff:

1. Staff recommends that the West façade be treated in a manner consistent with the North and East facades (provide architectural detail and landscaping) and that all rooftop mechanical equipment be appropriately screened.
2. Staff notes that a cross-access agreement with the property owner of the property to the South and West, be recorded and provided to the City prior to the issuance of a building permit.
3. As per the City's Engineering Design Manager, the 15' access drive onto Davie Blvd., is to serve and be signed as a right-turn only outbound route.
4. Should a Parking Reduction request be granted, A Parking Reduction Order must be executed and recorded in the public records of Broward County at the applicant's expense prior to Final DRC.
5. A Construction Debris Mitigation Plan shall be submitted to include but not be limited to the requirements of the Construction Debris Mitigation Policy as attached, and as approved by the City's Building Official.
6. Final Development Review Committee approval.
7. Site plan approval shall be valid as provided in ULDR Section 47-24.1.M.

City of Fort Lauderdale
Building Services Division Construction Debris Mitigation Policy

Section 24-11 Construction Sites, of the City of Fort Lauderdale Code of Ordinances is for the purpose of controlling construction debris. In accordance with the Code, any property under construction is required to contain construction debris on the subject property site. In an effort to ensure that construction debris does not spillover onto adjacent sites, the Building Services Division will require the following mitigation measures as minimum conditions to prevent the spillover of construction debris onto adjacent properties. These measures are to be included in a Construction Debris Mitigation Plan, which will be submitted to the Building Official, prior to the issuance of a building permit for the subject project. Additional measures may be required to ensure compliance with the Code, as deemed necessary by the Building Official.

1. Extermination of the site and buildings prior to demolition. A certificate certifying that the site has been exterminated is required to obtain a demolition permit.
2. Wet demolition of existing buildings is required to minimize dust.
3. Install and maintain a 6' screening (wind blown) on all ground level perimeter site fencing to minimize dust and debris blowing out to surrounding buildings.
4. Adherence to all state and county regulations with regards to the handling of asbestos in existing buildings.
5. Provide for construction employee parking and construction staging areas, to be reviewed and approved by the City's Engineering Department, and as necessary the City's Zoning and Parking Divisions.
6. The Building Division will require measures to minimize the airborne concrete when pouring. Such measures may include, but are not limited to, use of a wet saw when cutting concrete, wind screens around saws on concrete work deck; wind screens on end of concrete pump hose, etc.
7. The Building Division will require measures to minimize airborne debris from all open floors, including but not limited to, a requirement that each floor undergoing construction activity be wrapped to control the spillover of concrete and dust onto adjacent properties.
8. Sweeping compound will be required to minimize dust when sweeping the open floors of the building.
9. Broom cleaning of adjacent streets and sidewalks is required on a daily basis.
10. A hot line telephone number for the subject property is required to address issues as they arise.
11. On site visits by City Building Inspectors and other building officials will occur, as needed, to ensure that the concerns of adjacent property owners regarding construction debris and noise are being properly and timely addressed. The costs incurred for such inspections will be borne by the applicant